

Appl. No. 10/541,949
Amdt. Dated March 27, 2009
Reply to Office Action of October 27, 2008

REMARKS/ARGUMENTS

Claims 1, 4, 7, and 9-11 were pending in the instant application. Claim 1 is amended by incorporating the features of claim 4, and original claim 4 is deleted. New claim 12 is added. Basis for claim 12 can be found in Examples 4, 5, 8, 9, 10 and 11 of the specification as filed. All compounds claimed in the new claim 12 are within the scope of amended claim 1.

The following remarks, in conjunction with the above amendments, are believed to be fully responsive to the Office Action.

REJECTION UNDER U.S.C. §103 SHOULD BE WITHDRAWN

Claims 1, 7, and 9-11 stand rejected under U.S.C. § 103(a) as being unpatentable over Klaveness et al. (US 6,264,914) ("Klaveness") in view of Forster et al. (WO 02/053192/US7,052,672) ("Forster").

Applicants have restricted claim 1 to include the subject matter of claim 4. Therefore, since amended claim 1 is restricted to read on subject matter that was not objected to under U.S.C. §103, Applicants hold that the rejection be withdrawn and that claims 1, 7, and 9-11 be allowed.

DOUBLE PATENTING REJECTION SHOULD BE WITHDRAWN

Claims 1, 7 and 9-11 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 to 4 of US Patent No. 6,264,914 in

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view of Forster (US 7,052,672). Claim 1 is now restricted by incorporation of the subject matter of claim 4. With this claim amendment, claims 1, 7 and 9-11 are believed to be patentable. Applicants therefore respectfully submit that the double patenting rejection should be withdrawn.

Claims 1, 7 and 9-11 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 to 10 of US Patent No. 6,921,525 in view of Forster (US 7,052,672). Claim 1 is now restricted by incorporation of the subject matter of claim 4. With these amendments claims 1, 7 and 9-11 are believed to be patentable. Applicants therefore respectfully submit that the double patenting rejection should be withdrawn.

Claims 1, 7 and 9-11 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 to 5 of US Patent No. 7,182,934 in view of Forster (US 7,052,672). Claim 1 is now restricted by incorporation of the subject matter of claim 4. With this claim amendment, claims 1, 7 and 9-11 are believed to be patentable. Applicants therefore respectfully submit that the double patenting rejection should be withdrawn.

Claims 1, 4, 7 and 9-11 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over the claims of US Patent No. 7,431,914. US patent No. 7,431,914 is issued to GE Healthcare AS, formerly known as Amersham Health AS which was the owner at the time of filing. The present application is also owned by GE

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Healthcare AS, and was originally filed in the name of Amersham Health AS. Applicants hereby contend that the asserted conflicting application and patent are commonly owned, and confirm that a terminal disclaimer in compliance with 37 CFR 1.321 will be filed to overcome the nonstatutory double patenting rejection once the present application is allowed.

Based on the aforementioned, Applicants respectfully submit that the double patenting rejection should be withdrawn and claims 1, 7, and 9-11 be allowed as well as new claim 12.

The Examiner is invited to telephone the undersigned in order to resolve any issues that might arise and to promote the efficient examination of the current application.

Respectfully submitted,

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